MINUTES SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING

NOVEMBER 14, 2002

Board Members Present: Richard White, Chairman; Judy Lever, Vice-Chairman; Dianne

Nielson; Joe Melling; Tom Probert; Scott Widmer; John Newman; Lowell Peterson; Craig Anderson; Bill Doucette;

Cullen Battle; Kenneth Alkema.

Staff Members Present: Dennis R. Downs, Executive Secretary; Kent Gray, UST

Executive Secretary; Arlene Lovato; Marilyn Ratcliffe;

Candace Bleazard; Scott Anderson; Rusty Lundberg; Raymond Wixom; Marty Gray; Eric Baiden; Tom Ball; Don Verbica.

Others Present: Dale Ormond, Kris Snow, Tom Kurkjy, Cindy King, Dick Snell,

Mike Lewis, Craig Galli, Richard Rathbun, Shawn Raju, Chris Lilly, Clint Warby, David Babcock, Jason Groenewold, Wayne

Christensen.

I. The meeting was called to order at 1:00 p.m.

II. It was moved by Joe Melling and seconded by John Newman, and unanimously carried that the minutes for the October 10, 2002 meeting be approved.

III. Underground Storage Tank update - Kent Gray

Underground Storage Tank (UST) General Statistics:

PROGRAM	September	October	Difference from September
Number of current tanks with a	3,999	4,000	1
Certificate of Compliance		, , , , , , , , , , , , , , , , , , , ,	
Number of Tanks with a Certificate	3,572	3,565	(7)
of Compliance on the PST Fund			
Total Number of Tanks Regulated	4,204	4,192	(12)
Total Number of LUST sites closed to date	3,480	3,492	12
Total PST sites with claims or expected claims	460	461	1
Open + Closed Grand Total	\$86,228,280	\$86,080,467	(\$147,813)
PST Fund Balance	(\$64,906,897)	(\$66,695,596)	(\$1,788,699)
PST Assets Total	\$16,645,574	\$16,230,656	(\$414,918)
Loan Fund - Total Loans Made to Date	67	67	0
Total Amount Loaned to Date	\$1,822,642	\$1,822,642	0

An UST Task Force meeting was held on October 31, 2002. The proposed rule changes to UAC R311-201 were discussed. Since a significant amount of comments have been received on the rules, it is anticipated that some modifications to the proposed rules will be made. It is also projected that in the December Board meeting, a recommendation on the proposed rules will be made to the Board to adopt and/or go back out for another 30-day public comment period.

Also discussed in the UST Task Force meeting was the PST Fund financial stability. The UST Task Force members favor the tiered approach on fees associated with the surcharge that tank owners are assessed. Further discussions with Senator Wright are anticipated on this issue. It is expected that legislation this year will be for an increase in the surcharge from a 1/4¢ to 1/2¢, rather than the cap/floor tiered approach proposal.

IV. Update briefing Enforcement Compliance History Online (ECHO) Rusty Lundberg

EPA will soon release a new Web site that will allow public access to environmental enforcement and compliance information via the Internet. It should be noted that this is a fairly significant release on EPA's part, to allow the public and industry the ability to review enforcement and compliance information on line through a Web site.

With this capability, the public as well as businesses and industries regulated by air, water, and hazardous waste environmental programs will be able to view general enforcement and compliance information maintained in national databases.

There will be a 60-day public comment period which will give the public and industry opportunity to review the information and evaluate its accuracy and provide feedback. There will be a mechanism online to be able to report errors directly on the Web site.

Things such as criminal activities or criminal investigations, and pending enforcement actions would not be on line until they were finalized.

The Web site for this database is http://epa.gov/echo/compliance_report_rcra.html.

V. Geneva Steel update - Eric Baiden/Rusty Lundberg

November 15, 2002 is the deadline for Geneva for financing for their ongoing activities and trying to stay in operation. The Division has already been informed that the bank is not going to of forward with their support of the loan. Geneva has reported that there are three options available:

- 1 They could file a Chapter VII Bankruptcy and begin liquidation of assets.
- 2. Delay payment to some of the creditors and try to continue to operate.

3. Through a buy-out by another entity, work out an arrangement through the trustee and the bankruptcy court for continuing operation.

In order to make sure that the Department is kept abreast of the financial status, agencies within the Department of Environmental Quality have had discussions with Geneva.

Richard White asked what the course of action would be taken to resolve some of the environmental issues at Geneva. Mr. Lundberg explained that they would have to work through the trustee and set priorities. Some of the environmental issues there are a higher priority than others.

Eric Baiden briefed the Board concerning Geneva's hazardous waste permit. This permit addresses post-closure care of three closed surface impoundments. It is up for renewal and the renewal permit will include a corrective action module that will address the clean up of over 100 identified solid waste management units. The new permit will be issued to United States Steel Corporation (USX), who was the previous owner.

Some of the requirements for post closure care include semiannual ground monitoring, monthly inspection of the cap, and then maintenance and operation of a separate trench of the closed impoundments. The most significant impact that Geneva will have will be the cleanup of the identified solid waste management units.

USX and Geneva Steel have agreed on a formula that will be used in determining who would be responsible for what, which is based on the number of years of operation each party has operated the facility. They will calculate percent liability, i.e., anyone who has 50% or greater of percent liability will become the responsible permittee.

As required by regulation, the Division has a 45-day comment period in effect, which will end on November 15, 2002. There was a hearing held on November 6, 2002 in Orem, and the second one was held on November 13, 2002 at the Division of Solid and Hazardous Waste. Based on recent correspondence from USX, they have indicated that corrective action required by the permit would have to be put on hold until such time that Geneva will be able to obtain refinancing. The impact would be that the corrective action work of the clean up of various identified SMU's cannot go on because Geneva has failed to secure refinancing and will probably go to liquidation.

The current language of the Geneva Steel permit will have to be reevaluated so as to accommodate any limitations determined by the bankruptcy situation. The Division is compiling comments received during the comment period and through negotiation with USX the Division, might be able to get them to agree to clean up the number of SMU's for which they are responsible. Others are jointly owned. USX is in a position to go ahead and clean up their portion. Mr. Baiden was not sure how Geneva's portion would be taken care of at this point.

VI. Solid Waste Permits update - Rusty Lundberg

Mr. Lundberg wanted to keep the Board informed concerning the Solid Waste Permitting issues. Presently there are three landfills that are under public review. Applications have been reviewed and a draft permit prepared based upon review of the regulations. The Division is now receiving public comment for these permits.

Solitude Landfill

This is a site that is located nine miles east of the City of Green River, Utah. Private enities have put this permit together and this is one of the first landfills that is applying for a statutory provision regarding being a non-commercial facility by being under contract with a local government within the State of Utah.

The permittee may receive waste only from local governments that have contracts with the facility owner. All contracts and changes in existing contracts must be reviewed and receive approval of the Executive Secretary before receipt of waste.

The public comment period began October 31, 2002 and will end on December 2, 2002. Comments have been received relating to preferring not to have the facility site in their location.

Circle Four Landfill

On July 29, 2001, a fire at Circle Four Farms, site #4201 in Iron County, destroyed buildings and killed a large number of pigs. Permission was given to immediately dispose of the dead animals and building materials in a Class III landfill created onsite. No further activity will take place on this site.

The public comment period began on October 24, 2002 and will end on November 25, 2002.

US Gypsum Landfill

This Class III landfill is located near Sigurd in Sevier County. It is involved in the manufacturing of gypsum products such as sheet rock and plaster. The solid waste to be landfilled is generated during United States Gypsum's manufacturing activities.

The public comment period for the permit request began on October 23, 2002 and will end on November 21, 2002.

VII. Chemical Demilitarization Issues

A. TOCDF Update - Marty Gray

The Health Risk Assessment has been out for public comment. Review of all of the comments has been completed and written responses have been generated. Based upon the comments received,

there were no significant changes made to the Risk Assessment, but there are some changes for clarification.

In order to complete some modifications, the permit renewal has been delayed. The public wanted to have the trial burn plans, the risk assessment, and also a monitoring plan completed prior to reviewing the permit renewal. The Division has completed the trial burn plans and the risk assessment. The only one left would be the monitoring plan, which is close to being finalized. Once that is completed the Division will work on the permit renewal.

B. Complaint and Consent Decree - Marty Gray/Raymond Wixom

The Board was asked to approve a settlement for a Notice of Violation issued on March 20, 2001 by Judicial Consent Decree. The public comment period for this action commenced on September 17, 2002 and ended on October 16, 2002. No comments were received. Upon approval of this Consent Decree, it will then be turned over to the AG's Office for final action.

Scott Widmer noticed there was a procedural difference as compared to past Consent Decrees that have been approved. Normally it is the defendant that requests this action. Mr. Gray responded that the defendant did request this procedure.

Cullen Battle was concerned that if a situation involving a violation arose after the Consent Decree had been entered, what role the Board and the Division would play at that point for enforcing the Consent Decree. Mr. Wixom explained that when the court enters its Consent Decree, the court will have jurisdiction over the matters within that Decree. The agency, the board, and the Executive Secretary are still the party that is responsible for bringing the court's attention to whatever has gone on.

**It was moved by Judy Lever and seconded by John Newman, and unanimously carried that the Notice of Violation given to the Tooele Chemical Agent Disposal Facility be settled through Consent Decree and authorize the Office of the Attorney General to file a complaint in the appropriate venue for this facility.

C. TOCDF Safety Report - Tom Kurkjy

On July 15, 2002 while employees were performing a maintenance activity in the LIC-2 primary on an air perc system pressure regulator to replace the pressure regulator, employees were accidentally exposed to GB nerve agent. The assumption made at the time prior to the entry was that there was no agent, thus they wore coveralls, leather gloves, and an industrial mask. When they disassembled the air purge line, there were agent readings in the room. The employees exited the room, made a mask transfer to an M-40 Army mask, and in the course of putting on the mask, the individual who was disassembling the pipe got some grease on his gloves. That grease was more than likely contaminated with agent, and he got agent in his hair and possibly inside his mask. The worker was removed to the clinic and was there for an extended period of time. Through discussions with the medical personnel, the worker indicated that he didn't feel he had any symptoms of agent exposure. However, once he was thoroughly decontaminated and was evaluated by the doctors, he did exhibit miosis and did have a 25% cholinesterase depression.

Because of this incident, a Safety Improvement Program has been developed. A copy of the overhead presentation is available upon request.

IX. The next Board meeting will be held on December 12, 2002 at 1:00 p.m., in the DEQ Building #2 Conference room #101.

X. Adjourned at 2:45 P.M.